

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ROBERT LYLE GILL,

Plaintiff,

vs.

SGT. LEONARD; SGT. GOODYEAR;
CAPTAIN BODINE;
YELLOWSTONE COUNTY AND
YELLOWSTONE SHERIFFS
OFFICE; UNKNOWN DIRECTOR
AND NURSES OF CORRECTIONS
HEALTH PARTNERS,

Defendants.

Cause No. CV 19-136-BLG-SPW-TJC

ORDER

Despite the County Defendants' filing of their answers on July 19, Plaintiff Gill moved the Court on August 9, 2021, to enter default judgment.

The motion is not signed. *See* Mot. for Default Judgment (Doc. 31) at 3; *see also* Notice of Case Opening (Doc. 3) at 3 (advising plaintiff to sign documents). A party's signature is its expression that it stands behind what it says. *See* Fed. R. Civ. P. 11(a). The signature is especially important in prisoner cases, when other inmates may assist plaintiffs.

Nevertheless, even if Gill had signed the motion, he would not have been entitled to default judgment. First, Gill did not timely move the clerk to enter the County Defendants' default, a prerequisite to default judgment. *See* Fed. R. Civ. P. 55(a), (b). Further, at the time the motion was filed, the County Defendants had answered, and therefore had not "failed to plead or otherwise defend," as required for the entry of default under Fed. R. Civ. P. 55(a).

Accordingly, IT IS ORDERED that Plaintiff Gill's motion for default judgment (Doc. 31) is DENIED as unsigned.

DATED this 13th day of October, 2021.

/s/ Timothy J. Cavan
Timothy J. Cavan
United States Magistrate Judge